

THURSTON COUNTY 2020 COMPREHENSIVE PLAN UPDATE

BOARD OF COUNTY COMMISSIONERS – OCTOBER 15, 2020



Mineral Lands Focused

THURSTON



2040

OVERVIEW

2020 Comprehensive Plan Update (continuing items)

- Overview and Examples of Proposed Mineral Lands Options
- Next Steps

THURSTON



GOAL OF TODAY'S BRIEFING

Direct staff on any additional information that is needed prior to setting a public hearing.

THURSTON



THURSTON COUNTY MINERAL LANDS: A HISTORY

2010

County adopts revised mineral lands designation criteria. Weyerhaeuser *et al.* challenges to the GMHB.

2013

GMHB rules County's designation criteria is in compliance, and will be mapped during the next Comprehensive Plan Periodic Update

2003

BoCC places moratorium on new designation of mineral lands. Establishes Mineral Lands Task Force.

2012-2013

County adopts amended designation criteria for mineral lands.

GMHB CASE 10-2-0020C

- Challenged the County's revised criteria for Mineral Lands Designation under resolution 14401 and ordinance 14402
- Petitioners: Segale Properties, Washington Aggregate and Concrete Association, Alpine S&G, Glacier Northwest, Calportland, Granite Construction, Miles S&G, Quality Rock, and Weyerhaeuser
- 23 issues were brought forward. GMHB held that the County must reconsider 7.
 - Exclusion of dual designation of forest lands
 - Critical Areas excluded in designation criteria
- March 2013 - GMHB found County achieved compliance and closed the case.

RECENT HISTORY

February 14, 2017
BoCC adopts a Scope of Work, which states “update the map of designated mineral lands based on adopted criteria”

July 24, 2018
Board directs staff to proceed with PC Recommendation, and consider policies that address partially designated parcels and the 1,000-foot separation distance

November 12, 2019
Core items of the Comprehensive Plan adopted (Periodic Update Requirement satisfied)

March 21, 2018
Planning Commission recommendation on scope: map mineral lands based on adopted criteria, but consider the co-designation of agricultural lands

May 9, 2019
Management splits Scope of Work – mineral lands becomes a continuing item

2020
Planning Commission and Board review mineral lands changes

NATURAL RESOURCE INDUSTRIES GOAL

“The following goals are adopted to guide the development and adoption of comprehensive plans and development regulations:

...(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.”

- 36.70A.020 RCW

“Successful achievement of the natural resource industries goal...requires the conservation of a land base sufficient in size and quality to maintain and enhance those industries and the development and use of land use techniques that discourage uses incompatible with the management of designated lands.”

- WAC 365-190-070

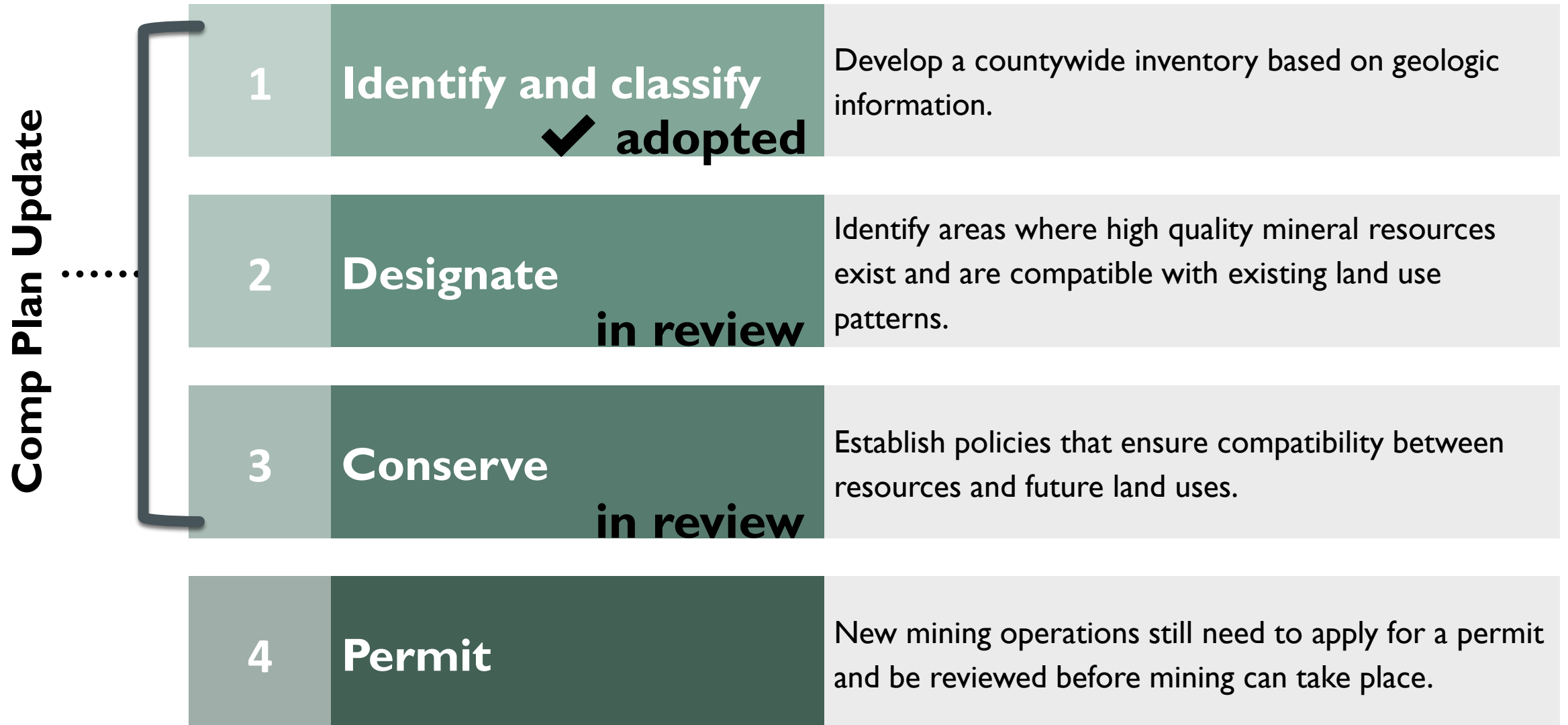
CLASSIFICATION & DESIGNATION FACTORS: MINIMUM GUIDELINES

- Geology: depth and quality of resource and characteristics of resource site
- Projected life of the resource
- Resource availability and needs in the region
- Accessibility and proximity to point of use or market
- Energy costs of transporting materials
- Proximity to population areas
 - General land use patterns
 - Availability of utilities, including water supply
 - Surrounding parcel sizes and uses
 - Availability of public roads and public services
 - Subdivision and zoning of small lots

“Counties and cities must designate known mineral deposits so that access to mineral resources of long-term commercial significance is not knowingly precluded. Priority land use for mineral extraction should be retained for all designated mineral resource lands.”

- 365-190-070 WAC

PROJECT STEPS FOR MINERAL RESOURCE LANDS UPDATE



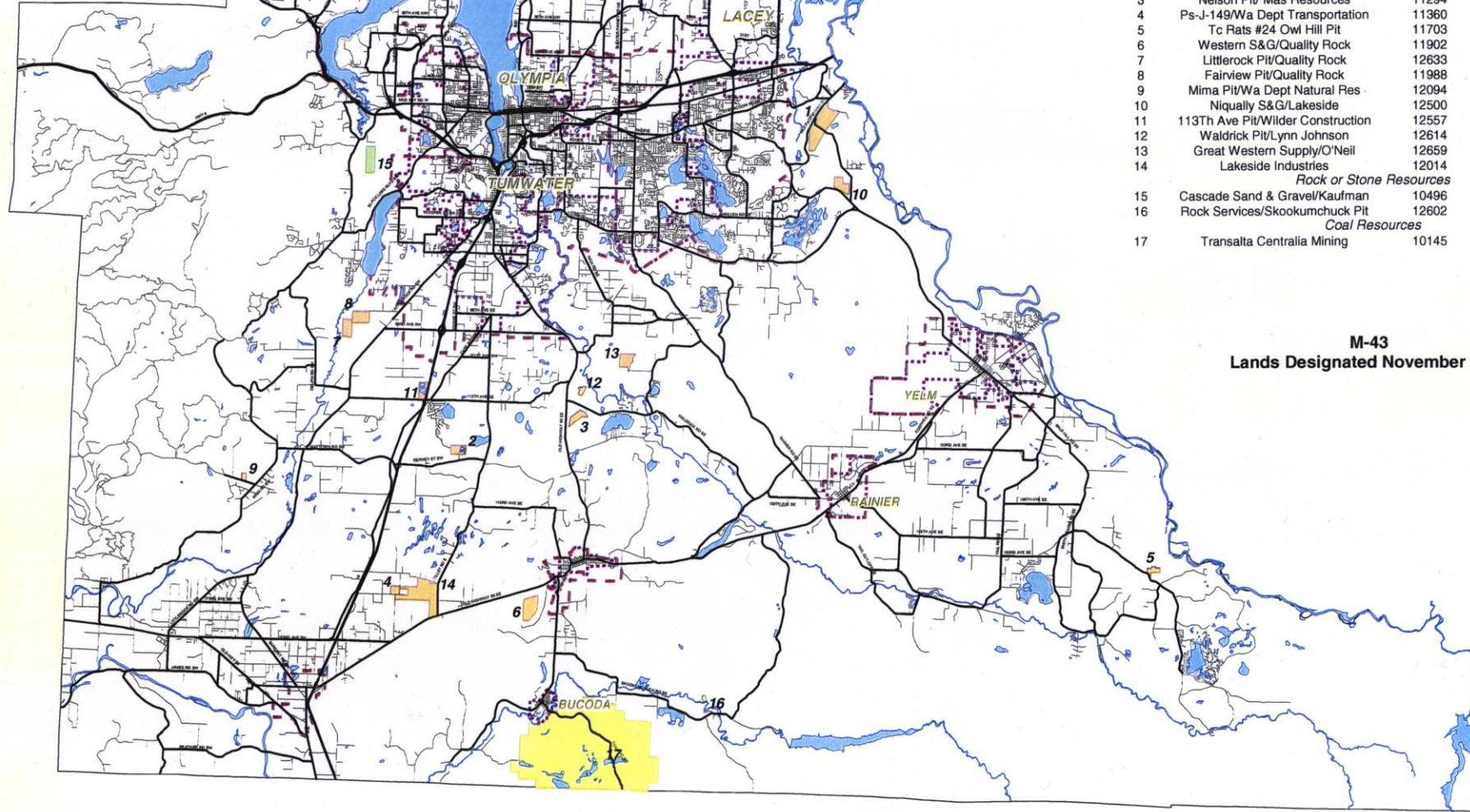
MAJOR CHANGES RELATED TO MINERAL LANDS

- Chapter 2 – Land Use – Acreages in Table 2-3 (page 2-12)
- Chapter 3 – Mineral Lands Text, Mineral Lands Designation Criteria, Policies for Mineral Lands
- Map M-43 will be removed and replaced with Map N-2
- Thurston County Code
 - TCC 17.20 – Mineral Extraction Code
 - TCC 18.04 – Resource Use Notice Plats
 - TCC 20.03 – Structure, Interpretations and Definitions
 - TCC 20.30B – Designated Mineral Lands (Zoning Ordinance)
 - TCC 20.54 – Special Use Permit
 - TCC 20.60 – ~~Violations & Enforcement~~ Administrative Procedures

SUMMARY OF DECISION POINTS AND OPTIONS

Decision A - Designation Criteria Amendment	Decision C - Resource Use Notice	Decision D - Expansion Policies	Decision E - Designation at the Site Level
A-1 Maintain current criteria	C-1 Maintain current language of 1,000-feet for plats	D-1 Allow expansion only onto designated MRL	E-1 Double-threshold designation, allowing into the 1,000 feet from UGAs and parks
A-2 Change criteria to co- designate w/ ag lands	C-2 Reduce language for plats to 500 feet	D-2 Allow expansion of existing mines onto undesignated MRL, including areas in the 1,000-foot separation distance from UGA and Parks.	E-2 If any portion is designated, the whole parcel is considered "designated" for permitting purposes
		D-3 Stakeholder developed hybrid option (allow for expansion/new into 1,000 feet in specific scenarios)	E-3 The entire parcel must be mapped to be permitted

Map ID	Operator	DNR Permit#	Designated Acreage
	<i>Sand and Gravel Resources</i>		
1	Nisqually Pits 1 &2, Holroyd	10002/12724	330
2	Maytown Pit/Central Redi-Mix	10349	50
3	Nelson Pit/ Mas Resources	11294	50
4	Ps-J-149/Wa Dept Transportation	11360	32
5	Tc Rats #24 Owl Hill Pit	11703	30
6	Western S&G/Quality Rock	11902	172
7	Littlerock Pit/Quality Rock	12633	80
8	Fairview Pit/Quality Rock	11988	80
9	Mima Pit/Wa Dept Natural Res	12094	16
10	Niqually S&G/Lakeside	12500	80
11	113Th Ave Pit/Wilder Construction	12557	69
12	Waldrick Pit/Lynn Johnson	12614	20
13	Great Western Supply/O'Neil	12659	92
14	Lakeside Industries	12014	382
	<i>Rock or Stone Resources</i>		
15	Cascade Sand & Gravel/Kaufman	10496	120
16	Rock Services/Skokoomchuck Pit	12602	20
	<i>Coal Resources</i>		
17	Transalta Centralia Mining	10145	4000



SUMMARY OF DECISION POINTS AND OPTIONS

Decision A - Designation Criteria Amendment	Considerations
A-1 Maintain current criteria	<ul style="list-style-type: none">• Current designation criteria• Does not co-designate (2,100 acres) of agricultural lands• May limit flexibility of farmers impacted by not co-designating
A-2 Change criteria to co-designate w/ ag lands	<ul style="list-style-type: none">• Consistent with GMA guidance that overlapping resource designations should not necessarily be considered inconsistent WAC 360-190-040(7)(b)• Co-designates roughly 2,100 acres of LTA/MRL• May temporarily impact land base of Long Term Agriculture

DESIGNATION: KEEP IN MIND

- **WAC 365-190-040:** Overlapping designations. The designation process may result in critical area designations that overlay other critical area or natural resource land classifications. Overlapping designations should not necessarily be considered inconsistent. If two or more critical area designations apply to a given parcel, or portion of a given parcel, both or all designations apply.
 - **If a critical area designation overlies a natural resource land designation, both designations apply.** For counties and cities required or opting to plan under the act, reconciling these multiple designations will be the subject of **local development regulations**.
 - If **two or more natural resource land designations** apply, counties and cities must determine if these designations are incompatible. If they are incompatible, counties and cities should examine the criteria to determine **which use has the greatest long-term commercial significance**, and that resource use should be assigned to the lands being designated.
- **WAC 365-190-070 (4)(d):** In designating mineral resource lands, counties and cities must also consider that mining may be a **temporary use** at any given mine, depending on the amount of minerals available and the consumption rate, and that **other land uses can occur on the mine site after mining is completed**, subject to approval.

DISCLAIMER: Thurston County makes every effort to ensure that this map is a true and accurate representation of the work of County Government. However, the county and all related personnel make no warranty, express or implied, regarding the accuracy, completeness or convenience of any information disclosed on this map. Nor does the County accept liability for any damage or injury caused by the use of this map.

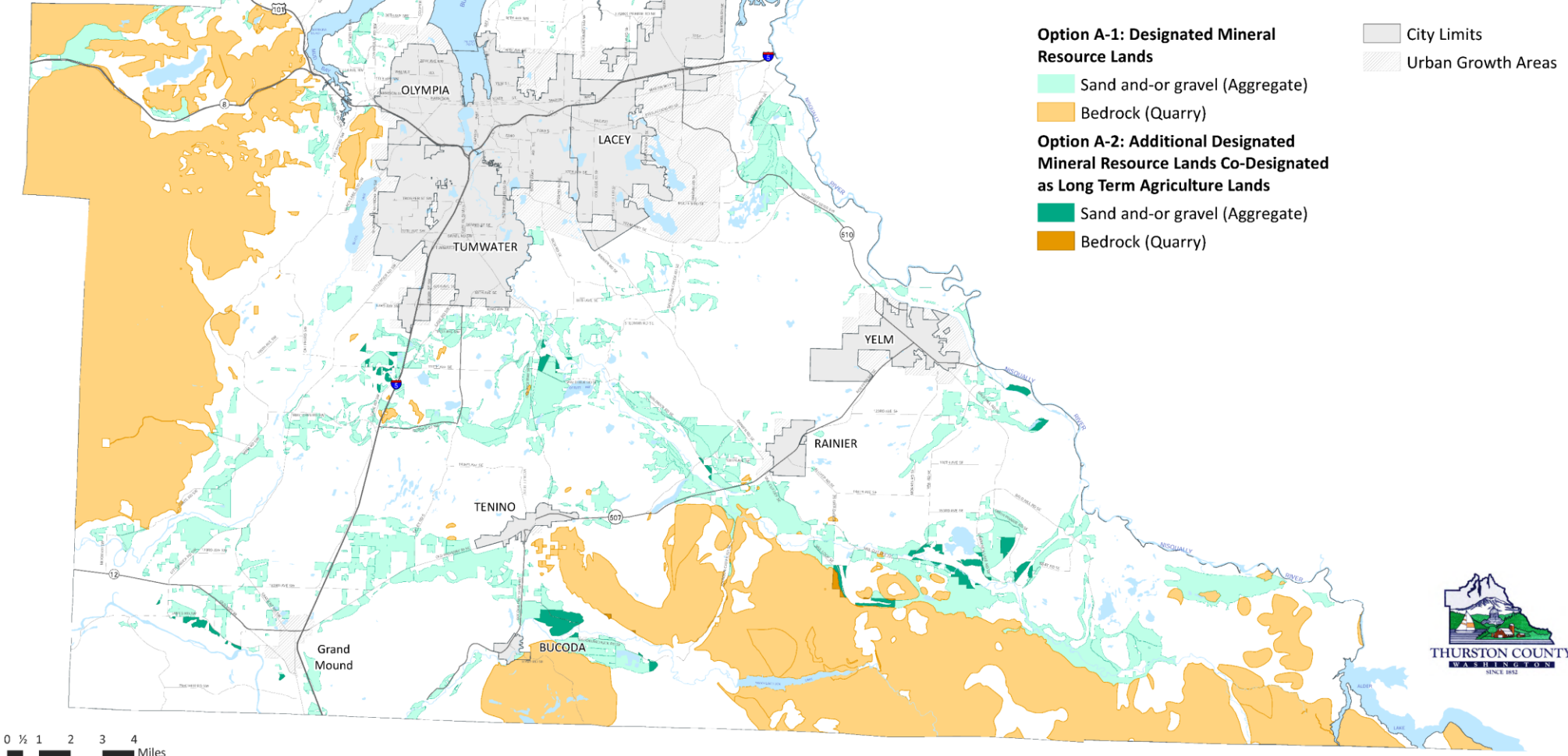
To the fullest extent permissible pursuant to applicable law, Thurston County disclaims all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringements of proprietary rights.

Under no circumstances, including, but not limited to negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.

DRAFT Sept 2 2020 PC Recommendation **DRAFT**

THURSTON COUNTY COMPREHENSIVE PLAN 2020 UPDATE

Map N-2
Designated Mineral Resource Lands



DISCLAIMER: Thurston County makes every effort to ensure that this map is a true and accurate representation of the work of County Government. However, the county and all related personnel make no warranty, express or implied, regarding the accuracy, completeness or convenience of any information disclosed on this map. Nor does the County accept liability for any damage or injury caused by the use of this map.

To the fullest extent permissible pursuant to applicable law, Thurston County disclaims all warranties, express or implied, including, but not limited to implied warranties of merchantability, data fitness for a particular purpose, and non-infringements of proprietary rights.


Under no circumstances, including, but not limited to negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.


DRAFT For Illustration Purposes Only DRAFT

THURSTON COUNTY COMPREHENSIVE PLAN 2020 UPDATE


For Illustration Purposes Only
Draft Designated Mineral Lands (Map N-2)
Overlaid with Long-Term Agriculture of Commercial Significance


Option A-1: Designated Mineral Resource Lands





 Sand and-or gravel



 Bedrock

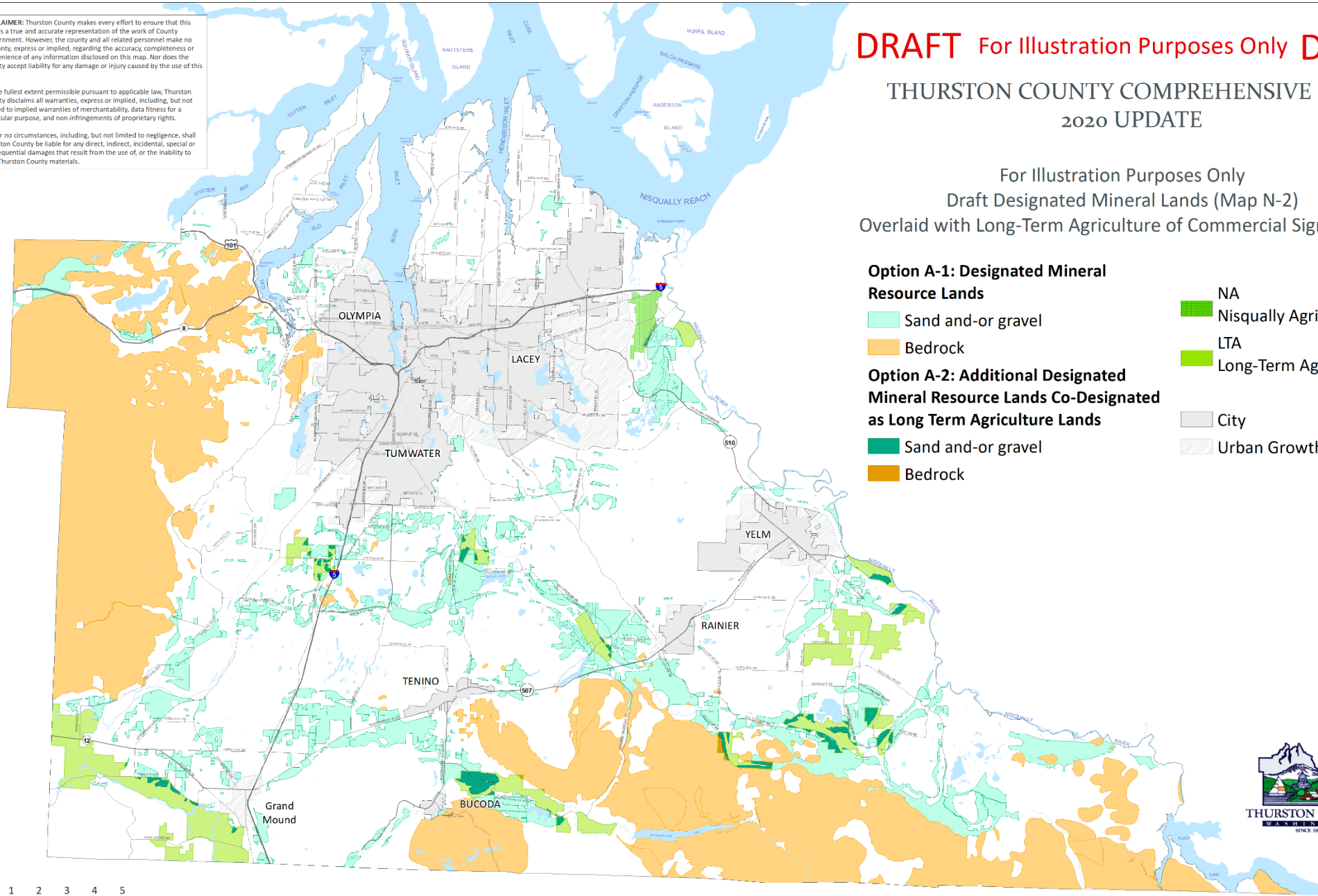
Option A-2: Additional Designated Mineral Resource Lands Co-Designated as Long Term Agriculture Lands

 Sand and-or gravel

 Bedrock

 NA
 Nisqually Agriculture
 LTA
 Long-Term Agriculture

 City
 Urban Growth



0 1 2 3 4 5
Miles



SUMMARY OF DECISION POINTS AND OPTIONS

Decision C - Resource Use Notice	Considerations
C-1 Maintain current language of 1,000-feet for plats	<ul style="list-style-type: none">• Maintains the current code language• Consistent with RCW 36.70A.060(b)• Greater notification proximity• In 2003, the Board amended this code to increase plat notice from 500 feet to 1,000 feet
C-2 Reduce language for plats to 500 feet	<ul style="list-style-type: none">• Lowers notification to 500 feet• Consistent with RCW 36.70A.060(b) – the minimum distance is 500 feet• Option was recommended as a possible alternative by stakeholder group• Consistent with all other resource use notices in code

DECISION POINT C – 18.04 TCC

18.04.055 – Resource Use Notice.

- Currently, TCC requires a 1,000-ft notice for plats/subdivisions for mineral resource lands.
- Alternative option is to reduce to 500 feet
 - consistent with other uses/resource types
 - minimum requirement under state law, RCW 36.70A.060(b).

Option C-1: 1,000-foot resource use notice for plats (current language)

Option C-2: 500-foot resource use notice for plats

SUMMARY OF DECISION POINTS AND OPTIONS

Decision D - Expansion Policies	Considerations		
	Difference in Options	Ease of Implementation	Flexibility to Industry
D-1 Allow expansion only onto designated MRL	<ul style="list-style-type: none"> Allows mining to apply <u>only</u> on designated MRL 	<ul style="list-style-type: none"> Easiest to implement 	<ul style="list-style-type: none"> Least flexibility
D-2 Allow expansion of existing mines onto undesignated MRL, including areas in the 1,000-foot separation distance from UGA and Parks.	<ul style="list-style-type: none"> Allows expansion of existing operations onto undesignated lands (including 1,000 feet) 	<ul style="list-style-type: none"> Moderate 	<ul style="list-style-type: none"> Some flexibility
D-3 Stakeholder developed hybrid option (allow for expansion/new into 1,000 feet in specific scenarios)	<ul style="list-style-type: none"> Allows expansion (and new) onto undesignated lands in specific cases <ul style="list-style-type: none"> Barriers and parks (new and exp.) Donated parks (new and exp.) Mines expanding out of UGA into 1,000 feet (exp. only) 	<ul style="list-style-type: none"> Most difficult 	<ul style="list-style-type: none"> Most flexibility

MAJOR CHANGES – 20.30B

EXPANSION POLICIES

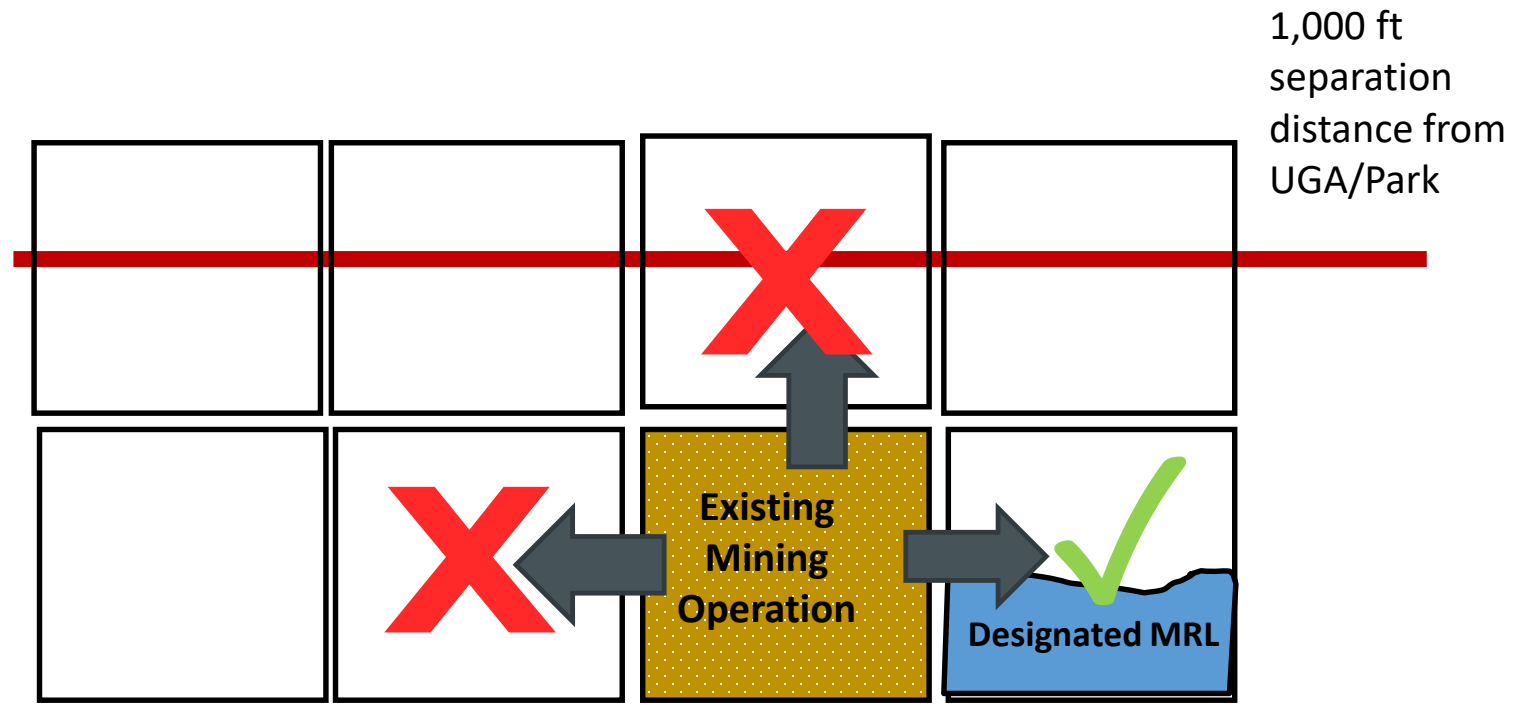
20.30B.015(1) – Applicability. Defines in what cases excavation and processing of minerals is allowed.

- **Option D-1:** only allowed on designated mineral lands
- **Option D-2:** would allow for expansion of existing mines to expand onto undesignated lands (including within the 1,000 feet)
- **Option D-3:** would allow for expansion of existing mines to expand onto undesignated lands (including within the 1,000 feet) AND for new mines up to an existing barrier in the 1,000-ft from a park, or when a park was donated

EXPANSION POLICIES

Option D-I:

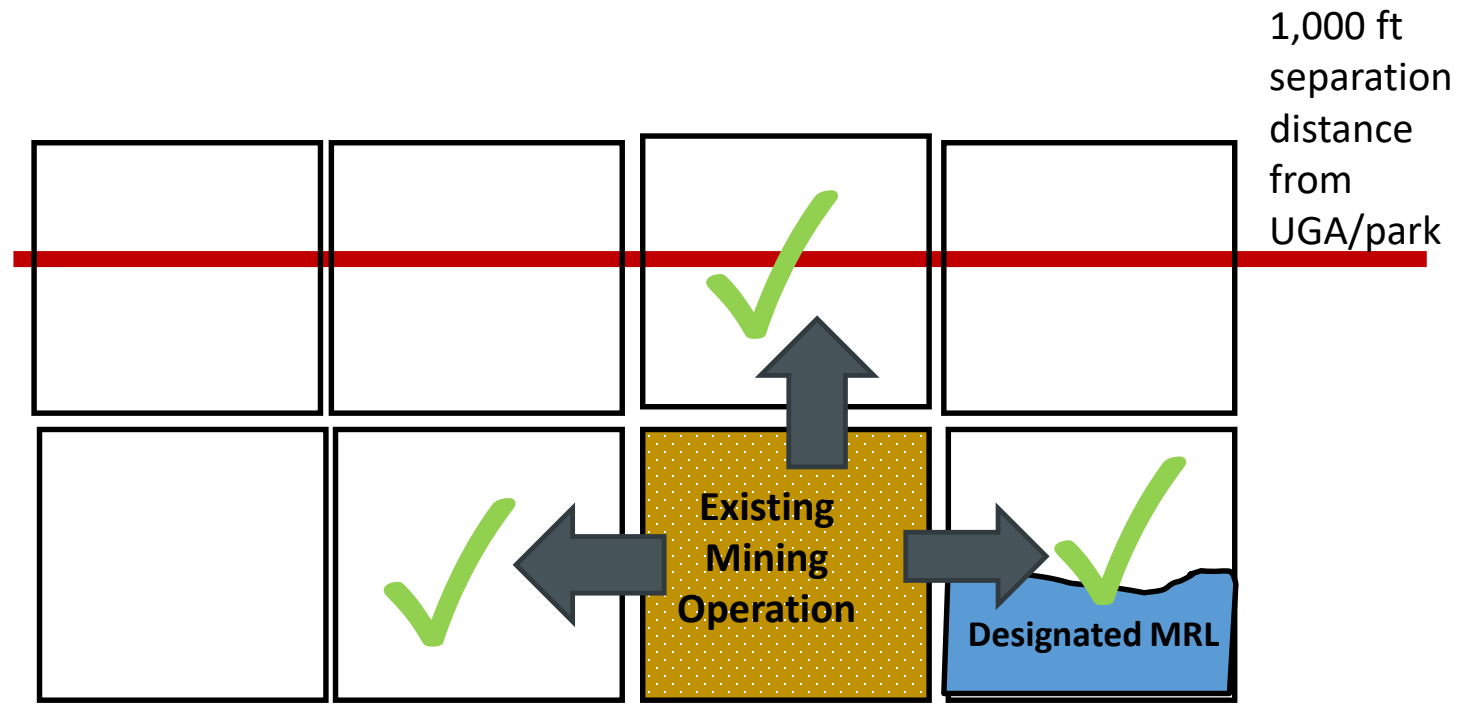
Only allows expansion on designated parcels



EXPANSION POLICIES

Option D-2:

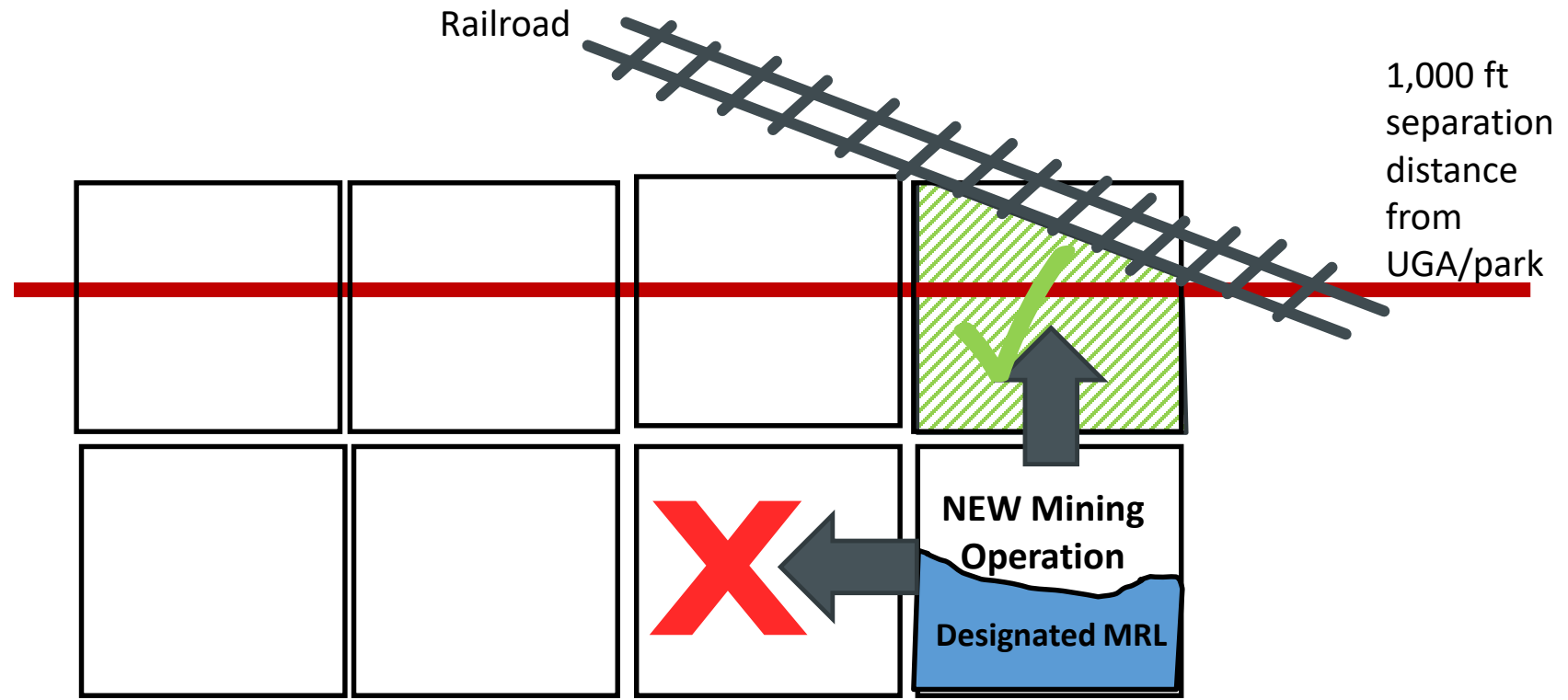
Allows expansion, including within 1,000 feet



EXPANSION POLICIES

Option D-3:

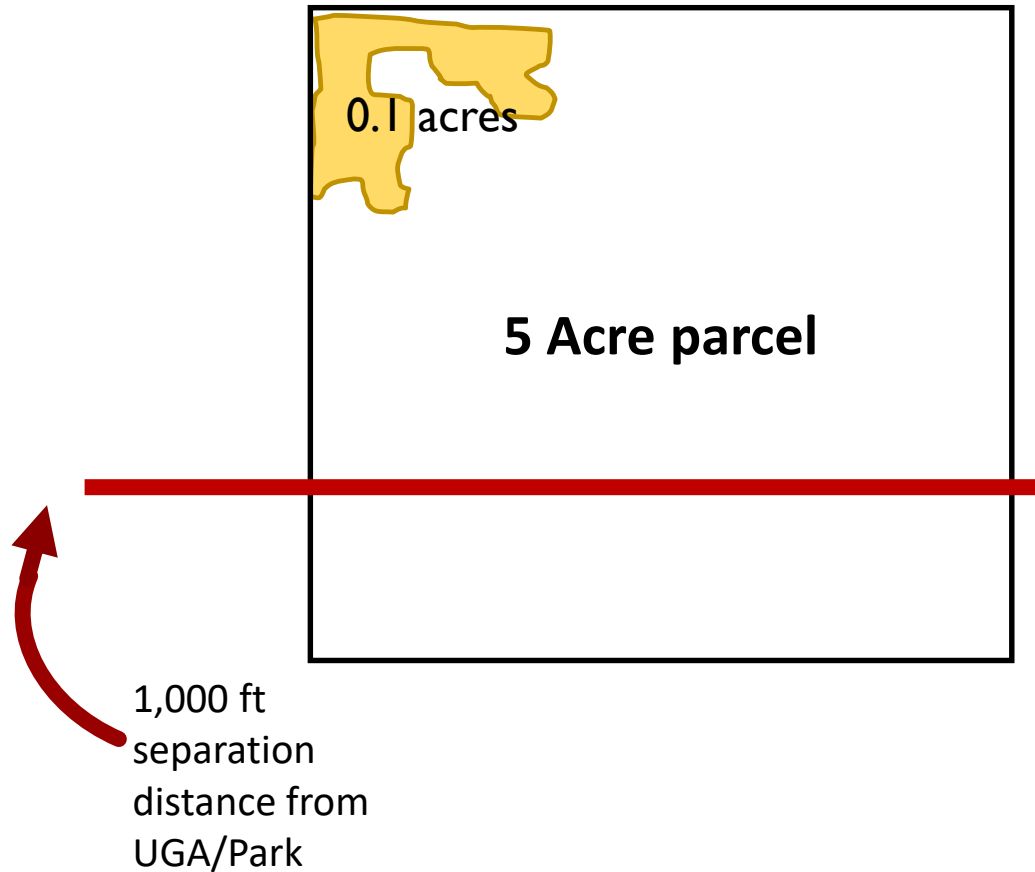
Allows expansion,
including within
1,000 feet
AND new mines if
a barrier exists or a
park was donated



SUMMARY OF DECISION POINTS AND OPTIONS

Decision E - Designation at the Site Level	Considerations	
	Ease of Implementation	Flexibility to Industry
E-1 Double-threshold designation (0.25 acres and 5%), allowing into the 1,000 feet from UGAs and parks	<ul style="list-style-type: none"> • More difficult to implement 	<ul style="list-style-type: none"> • Some flexibility
E-2 If any portion is designated, the whole parcel is considered "designated" for permitting purposes	<ul style="list-style-type: none"> • Easiest to implement 	<ul style="list-style-type: none"> • Most flexibility
E-3 The entire parcel must be mapped to be permitted	<ul style="list-style-type: none"> • Easiest to implement 	<ul style="list-style-type: none"> • Least flexibility

INTERPRETING DESIGNATION AT SITE LEVEL



Option E-1: 5% and at least 0.25 acres, or greater than 5 acres?



Option E-2: Any amount mapped?



Option E-3: Whole parcel mapped?



INTERPRETING DESIGNATION AT SITE LEVEL



Option E-1: 5% and at least 0.25 acres, or at least 5 acres?



Option E-2: Any amount mapped?



Option E-3: Whole parcel mapped?



INTERPRETING DESIGNATION AT SITE LEVEL

**10 Acre parcel
(all mapped as designated)**

Option E-1: 5% and at least 0.25
acres, at least 5 acres?



Option E-2: Any amount mapped?



Option E-3: Whole parcel mapped?



PC RECOMMENDATION

On September 2, 2020, the Planning Commission recommended approval of the 2020 Comprehensive Plan Update:

- **Option A-2:** Co-designate mineral lands and agricultural lands of long-term commercial significance.
- **Option C-1:** Maintain current plat resource use notice of 1,000-feet.
- **Option D-3 (amended):** Allow expansion of existing mines onto undesignated areas, including in the 1,000-foot separation distance from UGA and parks; and allow for new mines within the 1,000-foot distance from parks up to an existing barrier, or when the park was donated by ~~the same~~ an operator.
- **Option E-2:** If any amount is designated, the whole parcel is eligible to apply for a permit.
- **Option F-2:** Amend the land use and associated zoning of 7 parcels (\pm 173.52 acres; TPN 13816230200, 13816230000, 13816240000, 09880001002, 13822130100, 21621300100, and 21621200100) from Long-Term Forestry to Rural Residential Resource 1/5, and respectively remove from the Long-Term Forestry designation.

STAFF RECOMMENDATION

The Planning Commission recommendation differs from the staff recommendation on two options:

Option A-I – Do not co-designate mineral and agricultural lands

- Significant public comment was received in favor of this option; goals, objectives and policies within the comprehensive plan support conservation of agricultural lands; the County is currently processing a separate docket item (CPA-16), “Community Driven Review of Agriculture”

Option F-I – Do not remove any parcels from the Long-Term Forestry designation

- The seven parcels make up a small amount of the total LTF designation; this option maintains LTF block sizes across the county; does not increase the potential for residential encroachment; Comprehensive Plan and GMA support protection of LTF-designated lands; no substantial public comment was received regarding the proposed forestry amendments

NEXT STEPS

- What additional information would the Board like, prior to directing staff to set a public hearing?
 - **Staff recommends moving all options forward to a public hearing, whether Option 1 or Option 2**

Option 1

Direct staff to set public hearing (set on 10/27 for 11/24)

October 2020

- Board Review
- Request Public Hearing

November 2020

- Board of County Commissioner's Public Hearing

December 2020

- Adoption of 2020 Comprehensive Plan Update (*continuing items*)

Option 2

Request additional briefings, options, etc.

October - December 2020

- Board Review

Early 2021

- Board of County Commissioner's Public Hearing

Late 2021

- Adoption of 2020 Comprehensive Plan Update (*continuing items*)

Questions?



Contact:

Maya Teeple, Senior Planner, Thurston County
Maya.Teeple@co.Thurston.wa.us

Project Updates and Draft Documents
www.Thurston2040.com

SUMMARY OF DECISION POINTS AND OPTIONS

Decision A - Designation Criteria Amendment	Decision C - Resource Use Notice	Decision D - Expansion Policies	Decision E - Designation at the Site Level
A-1 Maintain current criteria	C-1 Maintain current language of 1,000-feet for plats	D-1 Allow expansion only onto designated MRL	E-1 Double-threshold designation, allowing into the 1,000 feet from UGAs and parks
A-2 Change criteria to co-designate w/ ag lands	C-2 Reduce language for plats to 500 feet	D-2 Allow expansion of existing mines onto undesignated MRL, including areas in the 1,000-foot separation distance from UGA and Parks.	E-2 If any portion is designated, the whole parcel is considered "designated" for permitting purposes
		D-3 Stakeholder developed hybrid option (allow for expansion/new into 1,000 feet in specific scenarios)	E-3 The entire parcel must be mapped to be permitted

Planning
Commission
Recommendation

Differing Staff
Recommendation